IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

THURSDAY, THE 12TH JULY 2007 / 21ST ASHADHA 1929

WP(C).No. 4048 of 2004(F)

PETITIONER:

SMT.JAYASREE PILLAI,
KESAVAMANDIRAM, OPPOSITE POST OFFICE,
PERUMBAVOOR.

BY ADV. SRI.T.C.SURESH MENON.

RESPONDENTS:

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1. **THE PERUMBAVOOR MUNICIPALITY**
   REPRESENTED BY ITS SECRETARY, MUNICIPAL OFFICE,
   PERUMBAVOOR.

2. **P.M.ISSAC, PUTHIYAMADATHIL HOUSE,**
   PERUMBAVOOR.

W.P.(C). NO.4048/2004:

***ADDL.R3. M.A. SALIM, S/O. ABDUL KARIM,**
MULLAPPILLY HOUSE,
MUDICKAL.P.O., PERUMBAVOOR.

***ADDL.R3. IS IMPLEADED AS PER ORDER DATED 12/07/2007 IN I.A. NO. 13873/2005.**

BY ADV. SRI.V.M.KURIAN FOR R1,
SRI.A.V.THOMAS,
SRI.MATHEW B. KURIAN,
SRI.K.T.THOMAS,
SRI.K.R.KURUP FOR R2,
SRI.C.R.SYAMKUMAR,
SRI.JOSE KURIAN.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 12/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C). NO.4048/2004:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P.1: COPY OF THE ORDER PASSED BY TH GOVERNMENT DTD. 24/12/1996.

EXT.P.2: COPY OF THE DEMOLITION ORDER PASSED BY THE R.1. DTD. 16/10/2002.

EXT.P.3: COPY OF THE JUDGMENT OF THIS HONOURABLE COURT IN O.P. NO. 31246/2002 DTD. 05/11/2003.

EXT.P.4: COPY OF THE COMPLAINT FILED BY THE PETITIONER DTD. 31/01/2004.

EXT.P.5: COPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONER DTD. 31/01/2004.

EXT.P.6: COPY OF THE REPRESENTATION DTD. 19/09/2005.

RESPONDENT'S EXHIBIT:

EXT.R2.A: COPY OF THE NO OBJECTION GRANTED BY THE PETITIONER TO THIS RESPONDENT DTD. 21/01/97.

//TRUE COPY//

prv.

KURIAN JOSEPH, J.

W.P. (C). NO. 4048 OF 2004

Dated this the 12th day of July, 2007.

J U D G M E N T

This writ petition is filed with the following prayers:

> i) issue a writ in the nature of mandamus directing the first respondent to take appropriate action to see to it that the second respondent does not violate the approved building plan and to implement Ext. P2 order if there is any violation.
>
> ii) issue a writ in the nature of mandamus directing the first respondent not to number the building put up by the second respondent unless the opening on the western side is closed using brick and cement.
>
> iii) issue a writ in the nature of mandamus directing the first respondent to consider on merit Ext. P4 and P5 representation and take action on the same after due notice to the effected parties.

2. There will be a direction to the first respondent to take appropriate action on Exhibits P4 and P5 for closing down the window on a permanent basis with building materials. This shall be done within a period of one month from the date of production of a copy of this judgment.

This writ petition is disposed of as above.

KURIAN JOSEPH, JUDGE.

smp